

STATE OF SOUTH CAROLINA)
COUNTY OF ALLENDALE) IN THE COURT OF COMMON PLEAS
)
)
Jimmy Brown) SUMMONS
)
Plaintiff,)
)
v.)
)
Williams Farms, Inc. of Lodge;)
Williams Farms, A South Carolina)
General Partnership; Williams Farms)
of South Carolina L.L.C., Williams)
Farms, LLC.; James W. Williams;)
Mark T. Williams; Faye C. Williams;))
James W. Williams, Jr.; William A.)
Williams; T&M Farms;)
Michael Mathias.)
)
Defendants.)
)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your ANSWER to the Complaint upon the undersigned to his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days after service, exclusive of the day of such service; and if you fail to answer the Complaint within the thirty days, judgment by default will be rendered against you for the relief demanded in the Complaint.

Signature Page To Follow



MOORE TAYLOR LAW FIRM, P.A.

By:s/ Brendan J. Green

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West Columbia, South Carolina
May 19, 2021

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ALLENDALE)
)
) Civil Action No:
Jimmy Brown)
) COMPLAINT
)
 Plaintiff,)
)
v.)
)
Williams Farms, Inc. of Lodge;)
Williams Farms, A South Carolina)
General Partnership; Williams Farms)
of South Carolina L.L.C., Williams)
Farms, LLC.; James W. Williams;)
Mark T. Williams; Faye C. Williams;)
James W. Williams, Jr.; William A.)
Williams; T&M Farms;
Michael Mathias.
)
 Defendants.)
)

)

Comes now the Plaintiff, complaining of the Defendants, above-named, and to show unto this Honorable Court:

1. Plaintiff, Jimmy Brown, is a citizen and resident of Colleton County, South Carolina.
2. Williams Farms, Inc. of Lodge is a corporation organized and existing under the laws of the State of South Carolina.
3. Upon information and belief, Williams Farms, A South Carolina General Partnership is a general partnership with the following partners: James W. Williams, Mark T. Williams, Faye C. Williams, James W. Williams, Jr., and William A. Williams.
4. Williams Farms of South Carolina, L.L.C. is a limited liability company organized under the laws of the State of South Carolina.

5. Williams Farms LLC is a limited liability company organized under the laws of the state of Florida which owns property and transacts business in the State of South Carolina.
6. Upon information and belief, James W. Williams is a citizen and resident of South Carolina and is a partner in Williams Farms, A South Carolina General Partnership.
7. Upon information and belief, Mark T. Williams is a citizen and resident of South Carolina and is a partner in Williams Farms, A South Carolina General Partnership.
8. Upon information and belief, Faye C. Williams is a citizen and resident of South Carolina and is a partner in Williams Farms, A South Carolina General Partnership.
9. Upon information and belief, James Williams Jr. is a citizen and resident of South Carolina and is a partner in Williams Farms, A South Carolina General Partnership.
10. Upon information and belief, William A. Williams is a citizen and resident of South Carolina and is a partner in Williams Farms, A South Carolina General Partnership.
11. Upon information and belief, Michael Mathias is a citizen and resident of Allendale County, South Carolina.
12. Upon information and belief, T&M Farms is a South Carolina general partnership with its principal place of business in Allendale County, South Carolina, and upon information and belief Michael Mathias is a partner in T&M Farms.
13. This court has jurisdiction over the parties and the subject matter therein.
14. Venue is proper in Allendale County.
15. On or about June 5, 2018 and thereafter, Defendant Michael Mathias and T&M Farms sprayed ultra-hazardous chemicals on fields located on Carters Ford Road in Lodge, South Carolina.
16. A few weeks later, Plaintiff discovered that he had a terrible cough, was losing his hair,

had trouble breathing, and had lost energy and stamina.

17. Plaintiff soon learned he had suffered severe lung damage from the Defendants' chemical spraying.
18. Plaintiff eventually underwent a highly invasive and complicated surgery as the result of being exposed to the ultra-hazardous chemicals, and Plaintiff continues to suffer lasting effects from the exposure.
19. The fields which Defendant Michael Mathias and T&M Farms sprayed the ultra-hazardous chemicals on are owned by Defendants Williams Farms, A South Carolina General Partnership whose partners include James W. Williams, Mark T. Williams, Faye C. Williams, James W. Williams, Jr., and William A. Williams.
20. Upon information and belief Defendant Williams Farms, Inc. of Lodge hired Defendant Michael Mathias and Defendant T&M Farms to perform the ultra-hazardous activity of spraying ultra-hazardous chemicals.
21. Upon information and belief, Williams Farms of South Carolina L.L.C. hired Defendant Michael Mathias and Defendant T&M Farms to perform the ultra-hazardous activity of spraying ultra-hazardous chemicals.
22. Upon information and belief, Defendant Williams Farms L.L.C. hired Defendant Michael Mathias and Defendant T&M Farms to perform the ultra-hazardous activity of spraying ultra-hazardous chemicals.
23. Upon information and belief Williams Farmss, A South Carolina General Partnership hired Defendant Michael Mathias and T&M Farms to perform the ultra-hazardous activity of spraying ultra-hazardous chemicals.

FOR A FIRST CAUSE OF ACTION
(Strict Liability)

17. Each and every allegation contained in the complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

18. Defendant Michael Mathias and Defendant T&M Farms activity of spraying and using chemicals on the property constituted an ultra-hazardous activity; therefore all Defendants are strictly liable for the injuries caused by such activity.

19. As a direct and proximate result of the spraying of the ultra-hazardous chemicals, Plaintiff has suffered injuries all of which have caused and will continue to cause him:

- a. physical pain;
- b. mental anguish and suffering;
- c. loss of enjoyment of life;
- d. past and future medical expenses; and
- e. property damage

20. Plaintiff is entitled to a judgment for actual and punitive damages against all Defendants.

FOR A SECOND CAUSE OF ACTION
(Trespass)

21. Each and every allegation contained in the complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

22. Plaintiff has exclusive legal possession of the property located at 5802 Carters Ford Road, Lodge SC.

23. Defendant Michael Mathias and Defendant T&M Farms acting at the direction of all other Defendants took intentional acts which allowed ultra-hazardous chemicals to enter the

property of Plaintiff.

24. Plaintiff never gave Defendants permission to enter his property in any way shape or form.

25. As a direct and proximate result of Defendant Michael Mathias and Defendant T&M Farms trespass, Plaintiff has suffered injuries all of which have caused and will continue to cause him:

- a. physical pain;
- b. mental anguish and suffering;
- c. loss of enjoyment of life;
- d. past and future medical expenses; and
- e. property damage

26. Plaintiff is entitled to an award of actual and punitive damages against all Defendants.

FOR A THIRD CAUSE OF ACTION
(Nuisance)

27. Each and every allegation contained in the complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

28. Defendant Michael Mathias and Defendant T&M Farms acting at the direction of all other Defendants sprayed ultra-hazardous chemicals on Plaintiff's property and caused an unreasonable interference with Plaintiff's use and enjoyment of his land.

29. As a direct and proximate result of the nuisance, Plaintiff has suffered injuries all of which have caused and will continue to cause him:

- a. physical pain;
- b. mental anguish and suffering;
- c. loss of enjoyment of life;

d. past and future medical expenses; and

e. property damage

30. Plaintiff is entitled to an award of actual and punitive damages against all Defendants.

FOR A FOURTH CAUSE OF ACTION
(Negligence)

31. Each and every allegation contained in the complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

32. Defendant Williams Farms, A South Carolina General Partnership, Defendant Williams Farms, Inc. of Lodge, Defendant Williams Farms of South Carolina LLC, Defendant Williams Farms LLC., Defendant James W. Williams, Defendant James W. Williams, Jr., Defendant Mark T. Williams, Defendant Faye C. Williams, and Defendant William A. Williams, owed a non-delegable duty to Plaintiff to make sure that any ultra-hazardous activity was undertaken with due care.

32. Defendant Michael Mathias and Defendant T&M Farms owed a duty to Plaintiff to exercise reasonable care in the spraying of chemicals.

33. Defendant Michael Mathias and Defendant T&M Farms were negligent, grossly negligent, reckless, and willful and wanton, in one or more of the following ways:

a. By failing to warn Plaintiff of the dangers of being in the vicinity of the spraying;

b. By failing to monitor wind direction, wind speed, and other atmospheric factors

which would increase the danger to Plaintiff of the spraying of chemicals;

c. By failing to properly supervise the spraying being conducted by Defendant Michael Mathias;

d. By failing to exercise the degree of care that a reasonable prudent sprayer, farmer, land owner, and farm company would use under the same or similar circumstances;

c. By failing to properly clean all spray tanks of any previous chemical; and

f. In other ways as may be shown throughout the course of this litigation.

34. As a direct and proximate result of Defendant Michael Mathias and Defendant T&M Farms breach of its duty to Plaintiff, Plaintiff has suffered injuries all of which have caused and will continue to cause him:

a. physical pain;

b. mental anguish and suffering;

c. loss of enjoyment of life;

d. past and future medical expenses; and

e. property damage

35. Defendant Williams Farms, A South Carolina General Partnership, Defendant Williams Farms, Inc. of Lodge, Defendant Williams Farms of South Carolina LLC, Defendant Williams Farms LLC., Defendant James W. Williams, Defendant James W. Williams, Jr., Defendant Mark T. Williams, Defendant Fay C. Williams, and Defendant William A. Williams were negligent, grossly negligent, reckless, and willful and wanton, in one or more of the following ways:

a. By failing to warn Plaintiff of the dangers of being in the vicinity of the spraying;

b. By failing to monitor wind direction, wind speed, and other atmospheric factors which would increase the danger of spraying chemicals;;

c. By failing to properly supervise the spraying being conducted by Defendant Michael Mathias and Defendant T&M Farms;

d. By failing to exercise the degree of care that a reasonable prudent sprayer, farmer, land owner, and farm company would use under the same or similar circumstances;

- e. By failing to properly clean out all spray tanks of any previous chemical; and
- f. in other ways as may be shown throughout the course of this litigation.

36. As a direct and proximate result of Defendant Michael Mathias and Defendant T&M Farms breach of its duty to Plaintiff, Plaintiff has suffered injuries all of which have caused and will continue to cause him:

- a. physical pain;
- b. mental anguish and suffering;
- c. loss of enjoyment of life;
- d. past and future medical expenses; and
- e. property damage

37. Plaintiff is entitled to actual and punitive damages against all Defendants.

WHEREFORE, having fully Complained of Defendants, Plaintiff prays for a jury trial and judgment against Defendants for actual and punitive damages; costs and expenses associated with having to litigate this cause of action; and for such other and further relief as this Court might deem just and proper.

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